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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,897	05/07/2001	George H. Newman	AFB00565	9978
7590 02/18/2004			EXAMINER	
William G. Auton			PATEL, JAYANTI K	
ESC/JAZ 40 Wright Street			ART UNIT	PAPER NUMBER
Hanscom AFB,	MA 01731-2903		2625	()
			DATE MAILED: 02/18/2004	4

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/849,897	NEWMAN, GEORGE H.				
Office Action Summary	Examiner	Art Unit				
	Jayanti K. Patel	2625				
The MAILING DATE of this communication Period for Reply	appears on the cover sheet wi	th the correspondence address				
A SHORTENED STATUTORY PERIOD FOR RE THE MAILING DATE OF THIS COMMUNICATIO  - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a  - If NO period for reply is specified above, the maximum statutory per  - Failure to reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the material patent term adjustment. See 37 CFR 1.704(b).	N. R 1.136(a). In no event, however, may a r reply within the statutory minimum of thin riod will apply and will expire SIX (6) MON atute, cause the application to become AB	eply be timely filed y (30) days will be considered timely. THS from the mailing date of this communication. IANDONED (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on 0	7 May 2001.					
	his action is non-final.					
	,—					
Disposition of Claims						
4)  Claim(s) 1-4 is/are pending in the application 4a) Of the above claim(s) is/are without 5)  Claim(s) is/are allowed. 6)  Claim(s) 1-4 is/are rejected. 7)  Claim(s) is/are objected to. 8)  Claim(s) are subject to restriction and	drawn from consideration.					
Application Papers						
9)☐ The specification is objected to by the Exam	iner.					
10)⊠ The drawing(s) filed on <u>07 May 2001</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.						
Applicant may not request that any objection to t						
Replacement drawing sheet(s) including the corn 11) The oath or declaration is objected to by the						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for fore  a) All b) Some * c) None of:  1. Certified copies of the priority docume  2. Certified copies of the priority docume  3. Copies of the certified copies of the p  application from the International Burn  * See the attached detailed Office action for a l	ents have been received. ents have been received in A riority documents have been eau (PCT Rule 17.2(a)).	pplication No received in this National Stage				
Attachment(s)						
1) Notice of References Cited (PTO-892)		ummary (PTO-413)				
Notice of Draftsperson's Patent Drawing Review (PTO-948)     Information Disclosure Statement(s) (PTO-1449 or PTO/SB/Paper No(s)/Mail Date		)/Mail Date formal Patent Application (PTO-152) 				

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#### **DETAILED ACTION**

### **Drawings**

1. The drawings filed on May 7, 2001 are approved.

### Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1-4 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilk (US 5,544,651) in view of Giger et al. (US 5,931,780).

Regarding claim 1, Wilk discloses an automatic patient treatment medical system comprising: a first radiology step in which a patient is scanned by a radiology device to produce a first analog image of an area; a second radiology step in which patient is scanned by the radiology device to produce a second analog of the area (column 7, lines 5-14); a first conversion step in which the first analog image is converted into a first digital image signal which may be stored in the computer; and a second conversion step in which the second analog image is converted into a second digital image signal which may be stored in the computer (column 7, lines 15-38); a comparing step in which the computer identifies changes in the area by comparing the area first digital image signal with the second image signal (figure 3, element 54).

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Wilk discloses the area being imaged is various body organs without specifically being identified as area of interest.

In the same field of endeavor, however, Giger discloses a computerized radiographic imaging system comprising the areas being imaged are areas of interest (column 10, lines 20-50).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the area of interest as taught by Giger in the medical imaging system of Wilk because Giger provides Wilk with a routinely used medical process of comparing areas of interest to quantitatively determine the change in medical condition of a given body part. Additionally, such process being routine is further evidenced by the other prior art made of record in this office action.

As to claim 2, Wilk discloses a system wherein the first and second radiology steps are performed on X-ray machine (column 6, lines 3-10).

As to claims 3-4, Wilk discloses a system wherein the first and second radiology steps are performed on MRI or CAT machine (column 7, lines 5-15).

## Other prior art cited

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watanabe et al. (US 5,751,837) discloses an X-ray CT scanner system having a plurality of X-ray scanner.

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Lemelson et al. (US 5,878,746) discloses a computerized medical diagnostic system (figure 2, element 10).

Simanovsky et al. (US 6,026,143) discloses a system for detecting sheet objects in computed tomography data.

Ramsdell et al. (US 5,717,735) discloses a medical radiological and image processing system (figure 24).

Nambu et al. (US 6,196,715) discloses an X-ray diagnostic system (figure 68, elements 207, 210 and 212).

Stapleton et al. (US 5,803,082) discloses a multimodal, multispectral medical image processing system.

Lemelson (US 6,058,323) discloses a system for treating select tissue of a patient (figure 1, element 10).

Von Gutfeld et al. (US 6,245,005) discloses a system for facilitating radiation treatment of deep tumors (figure 1).

Vesely et al. (US 5,797,849) discloses a system for carrying out a medical procedure using a three-dimensional tracking and imaging system (figure 16).

Soltani et al. (US 5,124,558) discloses an imaging system for mammography employing electron-trapping materials.

Read et al. (US 4,563,768) discloses a mammographic device.

#### Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jayanti K. Patel whose telephone number is (703) 308-

7728. The examiner can normally be reached on Monday-Friday (7:00-4:00), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JKP** 

February 12, 2004

Jayanti K. Patel